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4/26/2005

From: RHODES INSTRUMENT CORP.
11 VIRGINIA ROAD
N. WHITE PLAINS, NY 10603

To: COMMISSIONER OF PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 2213-1450

Re: Application No. 10/604,569 (Confirmation No. 1568)

The following documents are being submitted in response to the "Notice of Non-compliant Amendment" dated 04/06/2005

Sincerely,

Bernard J. Petrillo
Rhodes Instrument Corp.



REVISION AMENDMENT SUBMISSION (Rev. No. 2.0)

Appl. No. : 10/604,569 Confirmation No. 1568
Applicant :
Filed : 07/30/2003
TC/A.U. :
Examiner : Tadesse, Yewebdar T.
Docket No. :
Customer No. 28206

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

In response to your office mailing of 04/06/2005, please amend the above-identified application as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims reflected in the listing of claims, which begins on page 4 of this paper.

Amendments to the Drawings begin on page 6 of this paper.

Remarks/Arguments begin on page 9 of this paper.

An Appendix including drawing figures begins on page 10.



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/604,569 | 07/30/2003 | Bernard Petillo | | 1568 |

28206 7590 04/06/2005

RHODES INSTRUMENT CORPORATION
11 VIRGINIA ROAD
N. WHITE PLAINS, NY 10603



EXAMINER

TADESSE, YEWEBDAR T

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1734

DATE MAILED: 04/06/2005

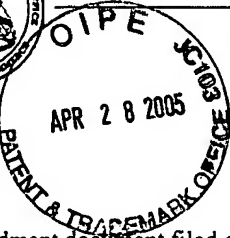
Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

10/604569

COMMISSIONER FOR PATENTS
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Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 11/5/05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
- ☒ A. Amended paragraph(s) do not include markings.
 - ☒ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

TUWANA LOVEACE
Legal Instruments Examiner (LIE)

571272-1027
Telephone No.